

DMH Provider Employee Background Screening General Information and Guidelines

Obtaining employee background screenings is a critical consumer safety requirement. There are requirements prohibiting certain individuals from being employed in jobs that put them in contact with mental health consumers. These requirements are communicated and receive authority via three different sources.

- Missouri Revised Statute 630.170; Disqualification for employment because of conviction—appeal process—criminal record review, procedure—registry maintained, when.
- Missouri Code of State Regulations 9 CSR 10-5.190, Background Screening for Employees and Volunteers
- DMH General Contractual Requirements, Part III, number 49

Paraphrased, the requirements are as follows:

- Persons are disqualified from holding any position in any public or private facility or day program operated, funded (*we generally consider this to include all with whom we contract*) or licensed (*to include those that we certify*) by the Department of Mental Health or in any mental health facility or mental health program in which people are admitted on a voluntary or involuntary basis if any of the following are true:
 - Person is listed on the Department of Mental Health Employee Disqualification Registry
 - Person is listed on the Department of Health and Senior Services (formally DSS Division of Aging) Employee Disqualification List
 - Person has been convicted of or pled guilty or nolo contendere to any crime as identified in 630.155 RSMo or 630.160 RSMo
- Persons are disqualified from holding any direct care position in any public or private facility or day program operated, funded (*we generally consider this to include all with whom we contract*) or licensed (*to include those that we certify*) by the Department of Mental Health or in any mental health facility or mental health program in which people are admitted on a voluntary or involuntary basis if any of the following are true:
 - Person has been convicted of or pled guilty or nolo contendere to any felony offense against persons as defined in chapter 565, RSMo; to any felony sexual offense as defined in chapter 566 RSMo; any felony offense defined in section 568.020, 568.045, 568.050, 568.060, 569.020, 569.025, 569.035, 569.040, 569.050, 569.070, or 569.160 RSMo or equivalent offense; or any violation of subsection 3 of section 198.070, RSMo.
 - Person who has received a suspended imposition of sentence or a suspended execution of sentence following a plea of guilty to any of the disqualifying crimes listed above.
- Providers must initiate the criminal background checks and the DMH Registry and DHSS List inquiries prior to the employee or volunteer having contact with residents, clients or patients. Employee/volunteer records should reflect

documentation that these inquiries were initiated promptly; and the results of those inquiries.

Providers may secure the required employee background screening information in a variety of ways. They may use the “Caregiver Background Screening” program managed by the Missouri State Highway Patrol; or they may utilize the “Family Care Safety Registry” managed by the Department of Health and Senior Services; or they may independently employ someone to secure the criminal history and DMH Registry and DHSS List information.

- “Family Care Safety Registry”: Utilizing this process requires that the provider submit a form to the Department of Health and Senior Services requesting background information. Although it does not require a notarized signature from the employee upon whom the background check is being performed, it does require that the employee “register” with the Family Care Safety Registry” before the background check can occur. Some caregivers are required by law to register, such as child care workers and personal care attendants. Using the FCSR process requires the provider make only one request and they will receive one report that has the information from all the required background databases. Forms for registering employees and for requesting background checks may be downloaded by accessing the following website: www.dhss.mo.gov/FCSR/AppsForms.html ALERT: The DHSS web site also affords the opportunity to some providers to check the DHSS Employee Disqualification List on-line. We’ve had some providers mistakenly think that this list is the FCSR screen. It is not. It is merely one of the three required checks.
- “Caregiver Background Screening”: Utilizing this process requires that the provider submit a form to the Missouri State Highway Patrol requesting specific background information. This form requires a notarized signature of the employee giving permission to share this information. Section A of this form provides a list of possible databases from which the provider selects those that they are required to check. Upon receipt, the MSHP will copy the request to the appropriate agencies, who will respond individually to the provider. When our providers use this mechanism we would expect to see three separate documents in the screened employee’s file; a criminal background report from MSHP, a DMH Employee Disqualification Registry Report, and a DHSS Employee Disqualification List Report. This process requires the provider to make only one request, yet get responses back from all three required databases. The Caregiver Background Screening form may be downloaded by accessing the following website: <http://www.dmh.mo.gov/hr/careback/caregive.htm>
- Other: We have some providers who contact these agencies individually or hire private investigators to secure these background checks. In these cases, the provider should have some official document from MSHP on criminal background; DMH on its check of the DMH Employee Disqualification Registry; and DHSS on its check of the DHSS Employee Disqualification List.

The identified processes for obtaining background screens are subject to workload issues at MSHP or DHSS. Responses to appropriately filed inquiries can be delayed and not due to any failing on the part of the provider.

- The key performance issues for which we hold providers responsible are:
 - The prompt requesting of this information;
 - Maintaining a personnel record that reflects documentation that the request has been made; and contains the background information when received; and
 - Appropriate provider response when they have information that indicates that an employee is disqualified.
- If providers would like a quicker check on just the DMH Disqualification Registry, they can mail or fax a copy of a signed and notarized "Caregiver Background Screening" form to the DMH Office of Human Resources. HR can turn this request around to you within 10 days.

Please review your current procedures for conducting employee background screens and insure that your facility or program is compliant with the aforementioned statutory and regulatory requirements. If you need further clarification or assistance in the matter, I refer you to your respective DMH contracting office. If you are an organization that does not contract with the Department, but are licensed or certified by DMH, I refer you to your respective licensing or certification office for assistance.